

**CENTRAL INFORMATION COMMISSION**

2<sup>nd</sup> Floor, August Kranti Bhawan,  
Bhikaji Cama Place, New Delhi-110066

**Decision No. CIC/SB/C/2015/000148**

**Dated 10.11.2016**

**Appellant** : Shri Dushyant Prasad Arya,  
Vill. Saguna (Near Gandhi Murti),  
P.O. Danapur Cantt., Distt. Patna,  
Bihar-801 503.

**Respondent** : Central Public Information Officer cum  
Ministry of Home Affairs,  
North Block, New Delhi-110 001.

**Date of Hearing** : 10.11.2016

**Relevant dates emerging from the complaint:**

RTI application filed on : 05.08.2015

First appeal filed on : 04.09.2015

Second appeal on : 07.12.2015

**ORDER**

**1.** Shri Dushyant Prasad Arya filed an application dated 05.08.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Ministry of Home Affairs (MHA) seeking information pertaining to action taken on a controversial statement of Justice Shri Katju published in a newspaper.

**2.** The appellant filed a second appeal dated 07.12.2015 before the Commission on the grounds that no information has been received by him from the respondent. The appellant further requested the Commission that a penalty be imposed on the erring CPIO as per Section 20(1) of the RTI Act

and disciplinary action be initiated against him under Section 20(2) of the RTI Act.

**Hearing:**

3. The appellant Shri Dushyant Prasad Arya was not present despite notice. The respondent Shri V.K. Ranjan, Deputy Secretary, MHA was present in person.

4. The respondent submitted that the appellant was informed vide letter dated 19.08.2015 that the information sought is not available with any Department/Division of the MHA. Therefore, no information can be provided by MHA. Also, under the provision of the RTI Act, a public authority is under obligation to provide an applicant only that information which exists on records and is held by or under the control of that authority. The respondent further submitted that the FAA had also vide order dated 21.09.2015 while disposing of the first appeal upheld the reply of the CPIO.

**Decision:**

5. The Commission, after hearing the submissions of the respondent and perusing the records, agrees with the submissions of the respondent that no information as sought by the appellant is available with the respondent. Hence, no further intervention of the Commission is required in the matter.

6. With the above observations, the appeal is disposed of.

7. Copy of decision be given free of cost to the parties.

**(Sudhir Bhargava)**  
**Information Commissioner**

**Authenticated true copy**

**(V.K. Sharma)**  
**Designated Officer**